

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

Attention: William F. Caton
Acting Secretary

Dear Mr. Caton:

Enclosed is an original and five (5) copies of the Certificate of Service, which was inadvertently not attached to our filing "Opposition of Concepts To Operations, Inc. To Petition for Partial Reconsideration." A dated stamped copy of the filing, which was filed with your office yesterday, is also enclosed for your convenience.

Sincerely,

Stanley I. Cohn
Executive Vice-President

SIC/csc
Enclosures

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August 29, 1996

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CERTIFICATE OF SERVICE

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I hereby certify that on this twenty-eight day of August, 1996, I served a copy of the foregoing Opposition to Petition for Partial Reconsideration, submitted by the NAB concerning amendment of Part 95 of the Commission's Rules to allow Interactive Video and Data Service licensees to provide mobile service to subscribers, WT Docket No. 95-47, on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

Henry L. Baumann
Executive Vice President and
General Counsel
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036

Barry D. Umansky
Deputy General Counsel
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036


Stanley I. Cohn

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Before the
Federal Communications Commission
Washington, D.C. 20554

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AUG 28 1996

In the Matter of)

Amendment of Part 95 of the)
Commission's Rules to allow)
Interactive Video and Data)
Service licensees to provide)
mobile service to subscribers)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

WT DOCKET NO. 95-47

**OPPOSITION OF CONCEPTS TO OPERATIONS, INC.
TO PETITION FOR PARTIAL RECONSIDERATION**

1. Concepts To Operations, Inc. (CTO) hereby provides comments on and opposition to the "Petition for Partial Reconsideration" of the Commission's *Report and Order* in the above-captioned proceeding,¹ filed by the National Association of Broadcasters ("NAB") on July 25, 1996. CTO, participated in earlier phases of this proceeding, filing comments on June 23, and reply comments on July 11, 1995.

2. In requesting partial reconsideration of the Commission Report and Order, the NAB points out that the adoption of mean power rather than a peak power limit can result in increased interference to TV Channel 13. They point out that use of a mean power limit for typical IVDS operation would allow at least 72 watts peak RTU transmitter power and 14,400 peak CTS transmitter power. The rules adopted by the Commission concerning mean power apply only to mobile RTUs and not the CTS or fixed RTUs. The CTS or fixed RTU power may not exceed 20 watts ERP.

¹ FCC 96-224, released May 30, 1996, 61 FR 32710 (June 25, 1996).

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3. The mean power limit could allow mobile RTUs peak powers greater than 20 watts ERP. It is possible that interference from mobile RTUs could occur at these power levels and could be seen as lines on the TV picture. It was noted in CTO's comments,² that the interference would be transient in nature because of the short time that an RTU would transmit from any single location. It was also noted that transmission during blanking intervals can significantly reduce interference potential.

4. Based on these considerations, a mobile RTU with the same peak power limitations as a fixed RTU would generally cause less interference than a fixed RTU if it is transmitting on a random basis (not synchronized to the Channel 13 blanking intervals) and would cause no interference if its transmissions were restricted to the Channel 13 blanking intervals.

5. If the Commission considers the subject petition, the peak power for mobile RTU's might be limited to the 20 watts peak power limit applicable to fixed RTU's. This will result in less interference potential than would be present from fixed RTUs and when coupled with the duty cycle limitations of Section 95.863 should not present an interference problem to Channel 13 TV viewers. If the power limitations for mobile RTUs were changed to those originally proposed by the Commissions rule making, the ability of the mobile RTU to operate in many locations, because of poor building penetration at IVDS frequencies, would necessitate the use of many more CTSs than necessary for a fixed situation. This would result in a considerable increase in infrastructure cost, which in turn would be reflected in unnecessarily higher cost to the IVDS subscriber. This is clearly not in the public interest.

²

Comments of Concepts To Operations, Inc. (CTO) submitted June 23, 1995, on Notice of Proposed Rule Making in WT Docket 95-47, 10 FCC Rcd 4981 (May 5, 1995).

6. The duty cycle amendments adopted by the Commission for areas outside the Grade B contour, are consistent with the waiver granted Kindgon R. Hughes.³ This waiver involved removing the duty cycle restriction outside of Grade B contours of Channel 13 in the Philadelphia MSA. To require filing of waiver requests for other MSAs in IVDS service areas outside the Grade B contours would result in unnecessary expense to IVDS licensees and a waste of Commission manpower resources.

Respectfully submitted,

Concepts To Operations, Inc. (CTO)

By: 

Stanley I. Cohn
Executive Vice-President
801 Compass Way, Suite 217
Annapolis, Maryland 21401

Dated: August 28, 1996